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## WOOD, HERRON &amp; EVANS, L.L.P.

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PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1935-1971

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September 27, 2004

## FACSIMILE COVER SHEET

To: Examiner Thomas A. Dixon  
Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

Fax: 703-872-9306

**Enclosed:**

Fax Cover Sheet containing Certificate of  
Facsimile Transmission (1 page)  
Transmittal containing Certificate of  
Facsimile Transmission and Authorization  
to Charge Deposit Account 23-3000 in the  
amount of \$110.00 for the Terminal  
Disclaimer Fee (2 pages)  
Amendment and Response (8 pages)  
Terminal Disclaimer to Obviate a Double  
Patenting Restriction (37 CFR 1.321(b))  
(3 pages)

From: Scott A. Stinebruner  
Reg. No. 38,323

Re: U.S. Patent Application  
Serial No. 09/314,324  
Filed: May 19, 1999  
Applicant: William Joseph  
Armstrong et al.  
Art Unit: 3629  
Confirmation No.: 5010  
Our Ref: IBM/91

Pages: 14 (including cover sheet)

## MESSAGE/COMMENTS

## OFFICIAL

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (14 total pages) are being transmitted via facsimile transmission to Examiner Thomas A. Dixon, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 703-872-9306 on September 27, 2004.

*Judith L. Volk*  
Judith L. Volk

*September 27, 2004*  
Date

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**PATENT**

Att'y Docket No. IBM/91/124

Confirmation No. 5010**CERTIFICATE OF FACSIMILE TRANSMISSION**

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*Judith L. Volk*  
Judith L. Volk

*September 27, 2004*  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: William Joseph Armstrong et al. Art Unit: 3629  
Serial No.: 09/314,324 Examiner: Thomas A. Dixon  
Filed : May 19, 1999  
For : MANAGEMENT OF A CONCURRENT USE LICENSE IN A LOGICALLY-PARTITIONED COMPUTER

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. ☒ Transmitted herewith is an Amendment and Response and a Terminal Disclaimer to Obviate a Double Patenting Rejection (37 CFR 1.321(b)).
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.  
☐ Enclosed is a verified statement to establish Small Entity status  
☒ Other than a Small Entity
3. The fee has been calculated as shown below:

**CALCULATION OF FEES**

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	18	minus	20	0	\$18	\$0.00
Independent Claims	4	minus	4	0	\$86	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$290	\$0.00
TOTAL FEE FOR CLAIMS:						\$0.00

- ☒ No additional fee for claims is required.

Page 1 of 2  
Serial No. 09/314,324  
Transmittal for Amendment and Terminal Disclaimer of September 27, 2004  
IBM Docket: RO999023  
WH&F IRM/01  
DNIS:8729306 \* CSID:513 241 6234 \* DURATION (mm-ss):04-48

4. ☐ Attached is a check in the sum of \$\_\_\_\_\_ for additional claims.  
☒ Please charge my Deposit Account No. 23-3000 in the amount of \$110.00 for the Terminal Disclaimer Fee.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 420.00	\$ 210.00
<input type="checkbox"/>	three months	\$ 950.00	\$ 475.00
<input type="checkbox"/>	four months	\$1,480.00	\$ 740.00
<input type="checkbox"/>	five months	\$2,010.00	\$1,005.00

Extension fee due with this request:

\$

Method of Payment:

Check enclosed in the amount of \$

If an additional extension of time is required, please consider this a petition therefor.

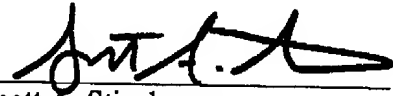
(Check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_.
- OR**
- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.
6. ☒ If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:

  
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Page 2 of 2  
Serial No. 09/314,324  
Transmittal for Amendment and Terminal Disclaimer of September 27, 2004  
IBM Docket: R0999023